IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Ms. JUSTICE G.ROHINI

-

WRIT PETITION NO : 8104 of 1998

Between:

Kosta Industries, Thathodi rep. By its Authorised Signatory

G.Kameswara Rao, S/o G.Rama Rao, age 28Yrs.,

R/o Tilda, Madhya Pradesh.

..... PETITIONER

AND

1. Commissioner of Prohibition & Excise,

   Andhra Pradesh, Hyderabad.

2. Asst. Commissioner of Prohibition & Excise,

   Visakhapatnam, Visakhapatnam District.

3. The Sub-Divisional Prohibition & Excise Officer,

   Narsipatnam, Visakhapatnam District.

4. Thandava Co-op. Sugars Ltd.,

   No.181, Payakaraopet, Tuni P.S.,

   Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, particularly one in the nature of Writ of

Mandamus declaring that the demand of Administrative Charges at the rate of Rs.25/- per Metric Tonne on Molasses purchased and transported within and outside the State of Andhra Pradesh and the insistence on taking on Escort with each Tanker Lorry transporting Molasses by the Petitioner are illegal and without jurisdiction apart from being violative of Article 19(1)(g) of the Constitution of India, and pass such other or further orders as are necessary.

Counsel for the Petitioner: MR.E.MARUTHI RAJA

Counsel for the Respondent No.1 to 3:-- G.P.for Proh. & Excise.

Counsel for the Respondent No.4 - None appeared.

The Court made the following :

ORDER:

The issue raised in this writ petition is squarely covered by the decision of the Division Bench of this Court in Writ Appeal No.2209 of 1998 and batch, dated 08.05.2001,wherein it was held as under:

> "The restriction of transportation of molasses is only if it is intended for utilisation of illicit distillation and on such occasion only the respondent authority can take action. But, however, if any individual is transporting the Molasses under a valid purchase bills to the destination of the purchaser, the respondents authority have no right to interfere with such transportation.
>
> Therefore, the writ petition is disposed of clarifying the position that the respondents have no right to insist the petitioner for any permission or for obtaining NOC for transport of Molasses from the Sugar Factories to any other specified destination for being used by the purchaser."

Accordingly, the writ petition is disposed of in terms of directions in the above decision. No costs.

_____

23-09-2004

klp

To

1. Commissioner of Prohibition & Excise,

   Andhra Pradesh, Hyderabad.

2. Asst. Commissioner of Prohibition & Excise,

   Visakhapatnam, Visakhapatnam District.

3. The Sub-Divisional Prohibition & Excise Officer,

   Narsipatnam, Visakhapatnam District.

4. Thandava Co-op. Sugars Ltd.,

   No.181, Payakaraopet, Tuni P.S.,

   Visakhapatnam District.

5. Two C.D. copies.

6. Two C.Cs to G.P. for Prohibition and Excise, High Court buildings,
   Hyderabad. (OUT).